

FILED

SEP 11 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY cut DEPUTY

SCOTTY LADELL BROOKS-GAGE,

Petitioner ,

CIV-19-840-D

-VS-

CASE NO. PC-2019-148

STATE OF OKLAHOMA,

Respondent.

CERTIFICATE MOTION TO "APPEAL UNDER COA"
MOVE DEMANDING TO APPEAL A SUBSEQUENT
APPLICATION FOR POST-CONVICTION RELIEF

The Petitioner, Scotty Ladell Brooks #408036, is coming pro se with a order asking for a C.O.A. Certificate to Appeal my conviction in Case No. PC-2019-148 because I am an innocent man. See *Lambert v. Blackwell*, 387 F.3d 210, 231 3rd Cir 2004, When issues briefed certificate issued by District Court failing to specify issues for appeal treated an application to Circuit Court for C.O.A.

See *Williams v. Calderon*, 83 F.3d 281, 286 (9th Cir 1996), standard for obtaining C.O.A. is more demanding than former standard for obtaining Certificate of Probable Cause.

See *Sochor v. Florida*, 504 U.S. 527, 534 (1992). Supreme Court lacked authority to address Defendants claim based on ("Jury Instructions" or "Erroneous" factors because State Supreme Court's decision rested on adequate and independent State ground, and Defendant had not preserved claim for appeal). In *Lambrix*, the Court noted that the procedural bar issue should ordinarily be considered first during appellate review.

Respectfully Submitted.

/s/ Scotty Ladell Brooks #408036
Scotty Ladell Brooks #408036
CCF (Bravo-North-262)
3200 S. Kings Hwy
Cushing, OK. 74023

VERIFICATION

I state under penalty of perjury under the laws of OK that the foregoing is true & correct. Title 12 O.S.Supp.2004, Sec. 426. Executed at the Cimarron Correctional Facility in Cushing, OK. On the 6th day of September, 20 19.


Scotty Ladell Brooks
(Print Affiant's Name)


(Signature)

CERTIFICATE OF MAILING

I, Scotty Ladell Brooks, hereby certify that a true and correct copy of the foregoing was mailed via U.S. Mail with 1st class postage prepaid, on the 6th day of September, 2019. to:

Carmelita Reeder Shinn-Court Clerk
U.S. Courthouse
200 N.W. 4th St., Rm. 1210
Oklahoma City, OK. 73102

/S/ 
Signature